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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1833 OF 2006
IN
SUIT NO.2490 OF 2005

Parasnath R. Singh).. Plaintiff

Versus

Suresh R. Singh).. Defendant

And

Suresh R. Singh).. Contemptnor

Mr.A.M. Saraogi for the Plaintiff.

Mr.R.S. Champawat for the Defendant.

CORAM : SMT. NISHITA MHATRE, J.

DATED : 27TH JULY 2006

P.C.:

. The present Motion is misconceived. This is because a Division Bench in Appeal No.123 of 2006 in Notice of Motion No.2771 of 2005 filed in the same Suit has observed as follows :-

> "3. Since the disputes and difference between the parties are pending for adjudication before the Arbitrator, the Suit filed by the present appellant cannot be said to be proper and the motion taken out by the plaintiff for interim relief was misconceived and rightly declined. Needless to say that it is always open to the plaintiff to apply for interim relief to the Arbitrator under the Arbitration and Conciliation Act, 1996."

2. In my view, therefore, the Motion is misconceived and deserves to be dismissed.

3. Apart from this, the Plaintiff has filed an application dated 8th March 2006 before the learned Arbitrator for the same reliefs. It is obvious, therefore, that the Plaintiff has filed a frivolous application by filing the present Motion.

4. Notice of Motion dismissed with costs quantified at Rs.5,000/- (Rupees Five thousand only).